OBJECTIVE 1.4-ENSURE SAFETY OF CHEMICALS IN THE MARKETPLACE:

Effectively implement the Toxics Substances Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act, to ensure new and existing chemicals and pesticides are reviewed for their potential risks to human health and the environment.

Denka Facility

As part of Denka's Administrative Order of Consent with Louisiana Department of Environmental Quality, the company agreed to install control technologies to reduce emissions of chloroprene at the facility. Once these control devices are in place in December 2017, EPA will be closely evaluating the emissions and collecting data that would inform a technology review of this source category.

Our primary objective is to reduce emissions in the near term. Installing control technologies will meet this objective faster than the regulatory timeframe. The Clean Air Act section 112 lays out a schedule that requires both a risk and a technology review within eight years of issuance of a Maximum Achievable Control Technology standard. The law requires a technology review every eight years thereafter.

There is no federal air standard for chloroprene emissions. EPA relies on the Integrated Risk Information System for Chloroprene which as revised in 2010 to 0.2 ug/m3 using information that chloroprene is likely to be carcinogenic to humans. The Agency has received a formal Information Quality Correction Request regarding the assessment of chloroprene. This matter is currently under review. As such, EPA is commenting on the Integrated Risk Information System value at this time.

The Denka Performance Elastomer (Denka) facility, located in LaPlace, Louisiana, is the only place in the United States currently manufacturing neoprene. EPA became aware of the potential risk associated with the facility's emissions of chloroprene, a primary chemical used in the manufacture of neoprene, in December 2015 as a result of EPA's National Air Toxics Assessment (NATA).

EPA continues to monitor ambient air in the neighborhoods surrounding the facility and release data on its website. Chloroprene concentrations continue to be elevated. The state has requested EPA to continue to conduct air monitoring for one year following the thermal oxidizer installation.

New Mexico Department of Health Lead Program Authorization

New Mexico Department of Health studying the feasibility of adopting the federal lead based paint program using a $50,000 grant from EPA. Adoption by New Mexico will require new state legislation, and could take 3-5 years to complete.

Region 6 began a dialogue with the New Mexico Department of Health Epidemiology Department in November 2016 to discuss New Mexico adopting the Lead Based Paint Program. NMDH has the Centers for Disease Control Lead Grant now, and is building capacity to adopt the EPA Lead Certification programs.

Los Alamos Municipal Separate Storm Sewer Systems Designation

EPA was petitioned to designate unregulated storm water discharges in Los Alamos County, NM as contributing to violations of water quality standards. Region 6 has primacy for the National Pollution Discharge & Elimination System program in New Mexico. EPA plans to make a final designation decision

concurrently with issuance of a Municipal Separate Storm Sewer System permit for Los Alamos area in late 2018.

Los Alamos County leaders and the Department of Energy, the federal agency managing Los Alamos National Laboratory, requested EPA to not designate the area. Local tribal leaders support the designation.

The petition cites EPA's duty to issue a Municipal Separate Storm Sewer System permit to control urban storm water discharges from Los Alamos National Laboratory and Los Alamos County. In August 2017, EPA denied the Santa Fe-based Concerned Citizens for Nuclear Safety petition to terminate Outfall 051 from Los Alamos National Laboratory's NPDES water discharge permit. The petition alleged that since Los Alamos National Laboratory does not normally discharge from this outfall, continued authorization under the National Pollution Discharge & Elimination System permit improperly provides an exemption from regulation under Resource Conservation Recovery Act.

Several ephemeral and intermittent waters in the Los Alamos area are listed as impaired for one or more pollutants including PCBs, gross alpha, aluminum, copper, zinc, arsenic, selenium, thallium, and mercury.